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REMARKS

As an initial matter, Applicant submits a Revocation of Power of Attorney and a new Power of Attorney. Applicant asks that the Examiner kindly make these documents of record.

Applicant has incorporated into Claim 1 the recitation of Claim 4. Thus, Applicant has cancelled Claim 4. That said, Applicant herein responds to each section in the Examiner's Office Action.

35 U.S.C. § 112

The Examiner rejects Claims 12 and 13 as being indefinite for failing to particularly point out the subject matter claimed as a "buzz clip."

Applicant respectfully notes that the specification uses the term "buzz clip" (page 8, lines 3-12) to identify the clips depicted. *See, e.g.*, Figure 6, reference 51. One of ordinary skill in the art can understand the structure of these clips by referring to the drawings and the associated description in the specification.

In this regard, the drawings and the specification disclose that each clip includes two separate members that open and allow a wire of a lure to enter. These members then close to hold the lure in place. As the term "buzz clip" is properly disclosed by the written description and associated drawings, the term "buzz clip," is thus definite. Accordingly, Applicant respectfully requests that the Examiner withdraw the § 112 rejections.

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35 U.S.C. § 102

The Examiner rejects Claims 1–5 and 10 under § 102(b) as being anticipated by Blackburn (U.S. Patent No. 6,256,925). (As noted, Applicant has cancelled Claim 4.)

Blackburn, however, discloses a structure that is inherently different from the claimed invention. Blackburn utilizes a configuration in which the fishing lure may be contained within a box-shaped receptacle. In contrast, Claims 1, 2, 3, 5, and 10 recite the body of the fishing lure lying within a channel. Applicant's claimed invention thus adds the convenient feature of the fishing lures being fully visible for selection during use. Moreover, Claims 1, 2, 3, 5, and 10 now recite both a first and second catch. These features are absent from the Blackburn '925 patent.

Applicant respectfully asserts that the Examiner incorrectly rejects Applicant's claims by a mistaken interpretation of the elements of the Blackburn '925 patent. For instance, regarding the recitation of cancelled Claim 4—now incorporated into Claim 1—the Examiner states that Blackburn discloses a second catch pursuant to Figures 4a–4d. Figures 4a–4d, however, actually present a choice of examples for a single catch (column 5, lines 34–51). Blackburn fails to teach or suggest both first and second catches now recited in Claims 1, 2, 3, 5, and 10. The inclusion of a second catch is useful to accommodate lures of various sizes within Applicant's invention.

The Examiner similarly rejects Claim 10 by referencing non-identical elements in Blackburn. The Examiner cites Blackburn's element 66 as disclosing Applicant's claimed "strip." Blackburn's element 66, however, is a fastener (e.g., Velcro) for attaching the Blackburn apparatus to another article (column 6, lines 38–48). The fastener of Blackburn fails to disclose the strip recited in Claim 10.

In view of the foregoing, Applicant respectfully contends that Claims 1, 2, 3, 5, and 10 are not anticipated by the Blackburn '925 patent. Accordingly, Applicant respectfully requests that the Examiner withdraw the § 102 rejection in regard to these claims.

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35 U.S.C. § 103

The Examiner rejects Claims 6–9, and 11–13 as being obvious pursuant to § 103.

Claims 7–9 have been rejected as obvious over Blackburn in view of Gillespie (U.S. Patent No. 5,079,863) and Garman (U.S. Patent No. 6,101,760). Applicant respectfully contends that the Examiner has pieced together this rejection by relying on elements from three disparate patents. There would have been no motivation at the time of Applicant's invention to combine these three patents.

The Blackburn '925 patent discloses the use of compressive force between the legs of the lure. Blackburn, in fact, would be inoperable without employing such compression. In contrast, Gillespie teaches the use of a passive storage device, namely storing the lure in a box. Indeed, by passively storing the lure in an enclosed box Gillespie complicates, if not prevents, any additional manipulation of the lure. Accordingly, there is no motivation to combine the teachings of Blackburn with the teachings of Gillespie. Applicant contends that Blackburn and Gillespie are incompatible references.

Garman similarly fails to provide any compression of the segments of a lure. Garman is simply a hook holder with no means for accommodating the legs and body of a more complicated bait. Garman can only hold the most elementary fish hook by pinching portions of the hook to hold the hook in place. Garman neither discloses nor suggests any motivation to combine this hook holder with the receptacles of Gillespie and Blackburn.

With particular respect to Claim 7, the Examiner cites Gillespie in combination with Blackburn as disclosing the claimed inserts with rectangular floors and rails. The boxes of Gillespie are functionally incompatible with Blackburn because Gillespie cannot allow for the compression of the lure legs as required by Blackburn.

Furthermore, the Examiner describes Gillespie's elements 42 and 44 as being rails. These elements, however, are not rails but rather attachment materials (e.g., Velcro) (column 2, lines 56–62). Such attachment materials are non-analogous to the

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rails recited in Claim 7. As Gillespie neither discloses nor suggests rails, the Examiner's rejection of Claim 7 is inapt.

Claims 8 and 9 recite additional rails and slots as features of the bait container inserts. The Examiner suggests that these additional rails and slots duplicate elements previously recited in Claim 7. Applicant respectfully disagrees. These claimed features allow for a substantially more secure attachment between the insert and the container. The art cited by the Examiner fails to disclose or suggest this additional support for inserts within a container. Therefore, Applicant respectfully requests that the Examiner withdraw the § 103 rejection of Claims 8 and 9.

Finally, the Examiner rejects Claims 12 and 13 under § 103 over Blackburn in view of Garman. Garman, however, can only hold the most elementary fish hook. These references offer no motivation to combine the hook holder of Garman with the receptacles of Blackburn. Garman does not disclose Applicant's claimed clip. Garman discloses only a piece of material with notched recesses that can hold the shaft of a fishing hook. The recesses of Garman are not clips as recited in Claims 12 and 13, and so Garman is an inapt reference.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully asserts that the pending claims are in condition for immediate allowance and respectfully requests the same.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Amended) A container for holding fishing lures, each said lure having a neck, a lower wire segment and an upper wire segment, said container comprising:

a bottom;

a continuous sidewall;

at least one channel comprising comprised of two barriers; and

a first catch above said bottom in each of said channels; and

a second catch spaced vertically from said first catch and positioned above said bottom in each of said channels;

whereby when said fishing lure is placed within said channel with said lower wire segment adjacent to said bottom, and said upper wire segment is placed within said catch, said upper wire segment is compressed toward said lower wire segment, and said fishing lure is held in place.